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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,285	04/11/2006	Wolfgang E. Gallwitz	432722003800	4063
25225 7590 10/10/2008 MORRISON & FOERSTER LLP 12531 HIGH BLUFF DRIVE SUITE 100 SAN DIEGO, CA 92130-2040				
EXAMINER WINSTON, RANDALL O				
ART UNIT		PAPER NUMBER		
1655				
MAIL DATE		DELIVERY MODE		
10/10/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10575285	4/11/2006	GALLWITZ ET AL.	432722003800

MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

EXAMINER

Randall Winston

ART UNIT	PAPER
1655	20081008

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Commissioner for Patents

The reply filed on 07/23/2008 is not fully responsive to the prior OFFICE ACTION of 06/24/2008 because of the following omission(s) or matter(s): Although Examiner acknowledges within Applicant's restriction requirement response filed on 07/23/2008 that Applicant has elected Group I, without traverse, examination is precluded by Examiner because Applicant is required under 35 U.S.C. 121 to elect a single disclosed species (i.e. elect either an instantly claimed one isolated flavanoid derived from Ginkgo biloba or elect an instantly claimed extract of Ginkgo biloba enriched in said flavanoids) for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. In Applicant's restriction requirement response to the prior OFFICE ACTION of 06/24/2008, Applicant did not elect either an instantly claimed one isolated flavanoid derived from Ginkgo biloba or an instantly claimed extract of Ginkgo biloba enriched in said flavanoids. Therefore, in order for Applicant's restriction requirement response to be fully responsive, Applicant is required to elect either an instantly claimed one isolated flavanoid derived from Ginkgo biloba or an instantly claimed extract of Ginkgo biloba enriched in said flavanoids.

Since the above-mentioned reply appears to be bonafide, applicant is given ONE(1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction to avoid abandonment. EXTENSION OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 1.136(a).

/Christopher R. Tate/
Primary Examiner, Art Unit 1655